



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TINEY WHETSTONE,

Plaintiff,

-against-

THE STATE OF NEW YORK et al.,

Defendants.  
-----X

08 Civ. 2227 (WHP)

ORDER

WILLIAM H. PAULEY III, District Judge:

Counsel for Defendants appeared for a status conference on July 31, 2009.

Plaintiff pro se appeared late, well after the conference was complete. Counsel for Defendants requested an order to compel Plaintiff pro se to correct various deficiencies in her discovery responses and compel her compliance with her discovery obligations as Defendants had requested in a February 13, 2009 letter to this Court. This Court finds that Defendants' requests are reasonable, and Plaintiff pro se's discovery responses fall far short of her discovery obligations, even under the relaxed standards for pro se litigants. Accordingly, this Court orders the following:

- (1) Defendants shall prepare medical authorizations for Plaintiff pro se's signature, and Plaintiff pro se is ordered to sign the medical authorizations and return them to Defendants' counsel by August 17, 2009;
- (2) For any document request to which Plaintiff pro se responded "unavailable at this time", Plaintiff pro se is directed to confirm for Defendants in writing by September 15, 2009 whether this means there are no documents in her possession or in someone else's possession that she can obtain. If there are documents in her possession or control

responsive to these categories, she shall produce them to Defendants by September 15, 2009.

- (3) Plaintiff pro se is ordered to produce to Defendants by September 15, 2009, copies of all tax returns for the years 2004 to 2008, and if she did not file tax returns for those years, she shall provide any W-2's, pay stubs, or other documents showing what money she earned in the years 2004 to 2008.
- (4) Plaintiff pro se is ordered to produce to Defendants by September 15, 2009, all documents used by Plaintiff pro se or her prior counsel to draft the complaint in this action.
- (5) Plaintiff pro se is ordered to respond to Defendants' Interrogatories Nos. 4 to 8 by September 15, 2009. At a minimum, the responses to these interrogatories will:
  - a. Set forth the exact amount of damages being sought by Plaintiff pro se at this time;
  - b. The breakdown between compensatory and punitive damages;
  - c. The exact types of compensatory losses she is seeking compensation for;
  - d. A breakdown of amount of compensatory damages between economic losses, physical, emotional, or psychological injury; and
  - e. Plaintiff pro se shall set forth the facts, documents, witnesses, and other evidence supporting each claim for damages and facts justifying the amount of damages sought, and set forth how she computed the amount of damages she set forth in her responses.
- (6) Plaintiff pro se is ordered to respond to Defendants' Interrogatories Nos. 14 to 16 by September 15, 2009. At a minimum, the responses to these interrogatories will:
  - a. Identify the nature of each disability for which she believes she required reasonable accommodation;
  - b. Identify with specificity the nature of the accommodation she requested from Defendants for the disabilities she has identified;

- c. Identify how and when she requested the accommodation from Defendants, including: the date she requested the accommodation, the persons from whom she requested the accommodation, and the form (oral or written) of the request.
- (7) Plaintiff pro se is hereby notified that because of her repeated failures to comply with the orders of this Court, that the failure to comply with any part of this Order may result in sanctions. These sanctions may include an order precluding her from introducing evidence at trial related to any topic identified above that she failed to adequately respond to, or dismissal of this action for failure to prosecute.
- (8) This Court will hold a conference on September 24, 2009, at 10:30 a.m.

Dated: August 3, 2009  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

*Copies mailed to:*

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